

REMARKS

Claims 1-10 were present in the application, as filed, with claim 10 cancelled by preliminary amendment. Claims 1-9 were pending in the application. Claims 4-5 are cancelled above and new claims 11-14 are presented. Claims 1-3, 6-9 and 11-14 are currently pending in the application. Reconsideration in view of the above amendments and following remarks is respectfully requested.

SPECIFICATION OBJECTIONS

The Office Action objects to the recitation of the sequence TPDVS on page 12 of the specification. In response, Applicants have amended the specification to specify that said sequence corresponds to amino acid residues 1 to 5 of SEQ ID NO:1.

CLAIM OBJECTIONS

The Office Action objects to the presence of inverted commas in claims 2, 3, 5, 6 and 8. In response, Applicants have amended the claims such that claims 2, 3, 5, 6 and 8 are clear of quotation marks. Applicants respectfully contend that the claim objections have been overcome and as such should be withdrawn.

REJECTIONS UNDER 35 U.S.C. §112, FIRST PARAGRAPH

Claims 1-9 are rejected under 35 U.S.C. §112, first paragraph as failing to satisfy the enablement requirement. According to the Office Action, while being enabling for a method of diagnosing a disease in a patient based on a comparison of the content of apolipoprotein C-I in a

serum or plasma sample of the patient with the levels in healthy persons, the specification only discloses cursory conclusions without data supporting the findings with regard to the full scope of the claim, that is, a method for diagnosis, early detection, risk estimation and monitoring the course of diseases.

The claims are amended above to focus on a method for the detection/diagnosis of a cancer disease. Support for the amendments can be found throughout the specification, but in particular, in Figures and the last paragraph on page 10 and the table that appears on page 11. In view of the foregoing amendments to the claims and remarks herein, Applicants respectfully request that rejection of claims 1-9 under 35 U.S.C. §112, first paragraph, have been obviated and should be withdrawn.

REJECTIONS UNDER 35 U.S.C. §112, SECOND PARAGRAPH

Claims 1-9 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the examiner contends that the term “derivatives thereof” is indefinite because it is not clear what structure the derivative of apolipoprotein C-I has and how different the derivative is from its parent peptide. Claim 1 is rejected as being indefinite for reciting “serum of plasma sample.” Claim 6 is rejected on the basis of the recitation to “cause of a cancer disease.”

In response and without acceding to the propriety of the rejection and solely to expedite the prosecution of the instant application towards allowance, Applicants have herein amended claims and deleted recitation to derivatives of apolipoprotein C-I. Applicants also have amended

claim 1 to correct the phrase “serum of plasma sample.” Claim 6 is amended herein, such that recitation to a cause of a cancer disease has been deleted from the claim. In view of the foregoing amendments to the claims and remarks herein, Applicants respectfully request that rejection of claims 1-9 under 35 U.S.C. §112, second paragraph, have been obviated and should be withdrawn.

REJECTIONS UNDER 35 U.S.C. §102

Claims 1, 3 and 4 are rejected under 35 U.S.C. §102(e) as being anticipated by Rensen *et al.* (“Rensen”). Additionally, claims 1-9 are rejected under 35 U.S.C. §102(b) as being anticipated by Barlage *et al.* (“Barlage”). Without acquiescing to the correctness of the rejections, and solely for the purpose of expediting prosecution of the present application, the claims are amended above to focus the claims on a method for diagnosing cancer diseases. Accordingly, the rejections based on Rensen and Barlage, both of which pertain to sepsis, are made moot in view of the foregoing amendment to the claims. Applicants respectfully request that rejection of claims 1, 3 and 4 under 35 U.S.C. §102(e) as being anticipated by Rensen and claims 1-9 under 35 U.S.C. §102(b) as being anticipated by Barlage have been obviated and should be withdrawn.

It is respectfully submitted that the above-identified application is now in a condition for allowance and favorable reconsideration and prompt allowance of these claims are respectfully requested. Should the Examiner believe that anything further is desirable in order to place the application in better condition for allowance, the Examiner is invited to contact Applicants’ undersigned attorney at the telephone number listed below.

The undersigned hereby authorizes the Commissioner to charge any fee insufficiency and credit any overpayment associated with this submission to Deposit Account No. 08-1935.

Respectfully submitted,

/s/ Shahrokh Falati

Date: January 18, 2011

Shahrokh Falati, Ph.D.
Attorney for Applicant(s)
Registration No. 58,160

Please address correspondence to:
Heslin Rothenberg Farley & Mesiti P.C.
5 Columbia Circle
Albany, NY 12203
Tel.: 518-452-5600
Fax: 518-452-5579
Customer No.: 23,405